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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,815	06/26/2003	Francois Cottard	239098US0	2794
22850	7590	01/11/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER	
			ELHILO, EISA B	
			ART UNIT	PAPER NUMBER
			1796	
			NOTIFICATION DATE	DELIVERY MODE
			01/11/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No. 10/603,815	Applicant(s) COTTARD ET AL.	
	Examiner Eisa B. Elhilo	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 --Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR-1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1 This action is responsive to the amendment filed on December 6, 2007.

2 The rejection of claims 1-4 and 11-30 under 35 U.S.C. 102(e) as being anticipated by
Duffer et al. (US 6,669,933 B2) is maintained for the reasons set forth in the previous office
action mailed on June 6, 2007.

3 The rejection of claims 5-10 and 31-33 under 35 U.S.C. 103(a) as being unpatentable
over Duffer et al. (US 6,669,933 B2) is maintained for the reasons set forth in the previous office
action mailed on June 6, 2007.

Response to Applicant's Arguments

4 Applicant's arguments filed 12/6/2007 have been fully considered but they are not
persuasive.

With respect to the rejection of claims 1-4 and 11-30 under 35 U.S.C. 102(e) as being
anticipated by Duffer et al. (US' 933 B2), Applicant argues that Duffer neither teaches nor
suggests the claimed combination of ingredients in the required concentration/ratios.

The examiner respectfully disagrees with the above arguments because Duffer et al. (US'
933 B2) clearly teaches a mixture of alkalizing agents that comprise alkanolamines and
metasilicates in the amounts of 1-5% which within the claimed percentage amounts (see col. 6,
lines 25-33). Therefore, the reference clearly anticipates the claims.

With respect to the arguments based on the comparative data in the Examples at pages
13-15, the examiner would like to point out that the Examples are not applicable to the prior art
of record since the prior art of record (US' 933 B2) teaches a mixture of alkalizing agents of
metasilicates and alkanolamines in the amounts of 1 to 5% which are far away less than 10% and

thus a person of the ordinary skill in the art would expect such a composition to have similar properties to those claimed.

Further, with respect to applicant's arguments to the rejection under 102(e) based on the Declaration, the examiner would like to point out that the declaration can not obviate the rejection under 102(e).

With respect to applicant's arguments to rejection under 103(a) based on the Declaration, the examiner would like to point out that the declaration can not obviate the rejection under 103(a) because the prior art of record (US' 933 B2) clearly teaches and suggests the claimed limitations wherein the composition comprises a mixture of alkalizing agents of metasilicates and alkanolamines as claimed, and, thus, a person of the ordinary skill in the art would expect such a composition to have similar properties to those claimed. Therefore, the rejection under 103(a) is proper and maintained.

5 **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Application/Control Number:
10/603,815
Art Unit: 1796

Page 4

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eisa B. Elhilo whose telephone number is (571) 272-1315. The examiner can normally be reached on M - F (8:00 -4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pyon Harold can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eisa Elhilo/
Primary Examiner, A.U. 1796
January 7, 2008

Index of Claims



Application/Control No.

10/603,815

Examiner

Eisa B. Elhilo

Applicant(s)/Patent under
Reexamination

COTTARD ET AL.

Art Unit

1796

✓	Rejected
=	Allowed

-	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date											
Final	Original	1/7/08											
	1	✓											
	2	✓											
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